

Atty Dkt. No.: 10990638-2
USSN: 09/690,173

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 41 to 42, 46 to 48, as well as newly added Claims 49 to 63, the only claims pending following entry of the above amendment.

In the above amendment, Claims 32 to 40 have been canceled. Claim 41 has been amended to include a reverse transcriptase inhibitor, support for this amendment being found in the specification at page 11, lines 9ff. New Claims 49 to 61 find support in this section of the specification as well. As the above amendment introduces no new matter and places the application in condition for allowance, entry of the amendment is respectfully requested.

All of the claims now require the presence of a reverse transcriptase inhibitor. This element is neither taught nor suggested in Wang et al, U.S. Patent No. 5,932,451, which patent is cited against Claim 41 in the present application. As such, the claims are not anticipated by Wang et al., and rejection of claims over this patent under 35 U.S.C. § 102 (c) may be withdrawn.

Furthermore, analogous claims to kits that include a promoter primer and ddNTPs have already been found patentable by the Patent Office, as evidenced by the issuance of U.S. Patent No. 6,132,997 to which the present application claims priority.

Accordingly, for the above reasons it is believed that Claims 41 to 42, 46 to 48, as well as newly added Claims 49 to 63 are patentable.

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CONCLUSION

The Applicants respectfully submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Gordon Stewart at (650) 485 2386. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

Date: 8-4-04

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